

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: §
Richard C. VOGEL *et al.* § Group Art Unit: ***
Serial No.: *** §
Filed: December 10, 1999 §
Title: THERAPEUTIC APPARATUS FOR §
TREATING ULCERS §
§

COPY OF OATH OR DECLARATION UNDER 37 CFR §1.63(d)(1)

Box Patent Application
Asst. Comm'r for Patents
Washington, D.C. 20231

Sir:

Applicant respectfully requests acceptance of the accompanying declaration, submitted in accordance with the procedures of 37 CFR §1.63(d)(1), in fulfillment of the oath or declaration requirements of 37 CFR §§1.53(b) or (f) for the above-captioned application.

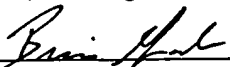
CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR §1.10)

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Date of Deposit: December 10, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service, under 37 CFR §1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

12/10/99
Date:


Signature of Person Mailing

Brian Goode
Printed Name of Person Mailing

REMARKS

Parent Application and Inventorship:

The above-captioned application is a

- ☐ continuation
- ☒ divisional

of U.S. patent application Serial No. 08/903,026 filed July 30, 1997, ("the 'prior application'") which contained an oath or declaration as prescribed by 37 CFR §§1.63(a) through (c), and is filed by

- ☒ all of the inventors named in the prior application.
- ☐ fewer than all of the inventors named in the prior application. Please delete the name(s) of the following person(s):

Prior Oath or Declaration:

A copy of the oath or declaration as executed and filed in the prior application

- ☒ is submitted herewith.
- ☐ will be submitted in accordance with 37 CFR §1.53(f).

Status under 37 CFR §1.47:

- ☒ The prior application was not accorded status under 37 CFR §1.47.
- ☐ The prior application was accorded status under 37 CFR §1.47 and the copy of the oath or declaration for the prior application is or will be accompanied by:
 - ☐ a copy of the decision granting a petition to accord 37 CFR §1.47 status to the prior application.
 - ☐ a copy of the decision granting a petition to accord 37 CFR §1.47 status to the prior application and a copy of the subsequently executed oath(s) and/or declaration(s) of the following inventor(s) who subsequently joined in the prior application or another application to which the above-referenced application claims a benefit under 35 USC §§120, 121 or 365(c):

Power of Attorney (or Authorization of Agent):

The power of attorney (or authorization of agent)

- (X) was not changed in the prior application.
() was changed in the prior application in papers filed on ***. Please recognize the following person(s) as attorney and/or agent of record in the above-captioned application:

Correspondence Address:

The correspondence address

- () was not changed in the prior application.
(X) was changed in prior application in papers filed on January 8, 1999. Please send all correspondence and direct all telephone calls to **CUSTOMER NO. 22775** at:

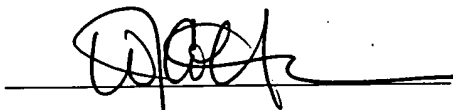
Wayne J. Colton
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Respectfully submitted,

Dated: 12/10/99

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DECLARATION

As a below named inventor, I hereby declare that:

This declaration is of the following type:

- ☒ original
- ☐ design
- ☐ supplemental
- ☐ national stage of PCT

My residence address, post office address, and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

“THERAPEUTIC METHOD AND APPARATUS FOR TREATING ULCERS”

the specification of which:

- ☒ is attached hereto.
- ☐ was filed on *** as Application Serial No. *** and was amended on *** (if applicable).
- ☐ was described and claimed in PCT International Application No. *** filed on *** and as amended under PCT Article 19 on *** (if any).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information known to be material to the patentability of any claim in accordance with 37 C.F.R. § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign applications(s) for patent or inventor's certificate, or § 365(a) of any PCT International Application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate, or any PCT International Application having a filing date before that of the application on which priority is claimed.

PRIOR FOREIGN APPLICATION(S)

NONE

This declaration is of the following type:

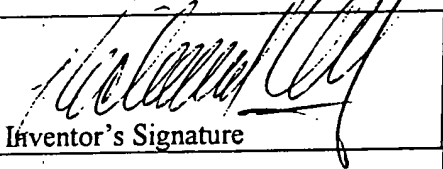
- (X) original
() divisional
() continuation
() continuation-in-part (CIP)

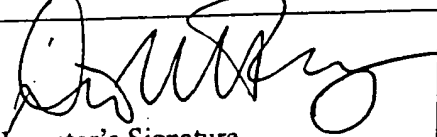
I hereby claim benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International Application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided for by 35 U.S.C. § 112, first paragraph, I acknowledge the duty to disclose material information as defined in 37 C.F.R. § 1.56 which occurred between the filing date(s) of the prior application(s) and the national or PCT International filing date of this application.


PRIOR DOMESTIC APPLICATIONS

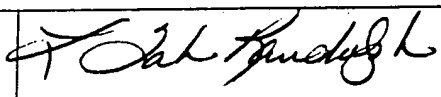
NONE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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